



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

[Handwritten signature]

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,672	04/27/2000	Ron Nevo	004198.P010x	4396

23419 7590 08/02/2004

COOLEY GODWARD, LLP
3000 EL CAMINO REAL
5 PALO ALTO SQUARE
PALO ALTO, CA 94306

EXAMINER

PHILPOTT, JUSTIN M

ART UNIT PAPER NUMBER

2665

DATE MAILED: 08/02/2004

[Handwritten mark]

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/560,672

Applicant(s)

NEVO ET AL.

Examiner

Justin M Philpott

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-39 is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-11 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 6-8, 12-14 and 20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed May 19, 2004 have been fully considered but they are not persuasive.

First, applicant argues (page 12, second paragraph to page 13, continued paragraph) that Altwater teaches a configuration that is different from applicant's configuration shown in FIG.

14. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., limitations corresponding to the precise embodiment shown in applicant's FIG. 14) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). While applicant argues that the claims as amended now reflect that the plurality of apparatuses are in wireless communication with a common wireless device, Altwater clearly teaches this limitation. Specifically, Altwater teaches a "common wireless device" in the form of a central station, or master device (e.g., 36), in wireless communication with both user station, or slave device (e.g., 41, in region 32), as well as with the other user devices via another station (e.g., 37). That is, a central station such as station 11 shown in Altwater FIG. 1 and described in cols. 6-8, is clearly a "common wireless device" as recited in applicant's claims. Thus, applicant's argument that Altwater fails to teach a common wireless device as recited in the amended claims is not persuasive.

Second, applicant argues (page 13, second paragraph to page 14, continued paragraph) that Young does not seek to achieve complementary operation through timing alignment but rather is directed to addressing problems of receiver desensitization. That is, applicant argues that Young is directed to a problem that is different than the problem which applicant's invention is directed to solve. However, as recited in MPEP 2144, it is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant. *In re Linter*, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972); *In re Dillon*, 919 F.2d 688, 15 USPQ2d 1897 (Fed. Cir. 1990). Furthermore, applicant has not disputed Examiner's motivation for combining the teachings of Young to the system of Altwater, that is, that the teachings of Young provide simultaneous dual mode operation and multiple services for users of different systems (e.g., see col. 2, line 65 – col. 3, line 12) and therefore at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the teachings of Young to the system of Altwater in order to provide simultaneous dual mode operation and multiple services for users of different systems. Thus, applicant's argument that Young fails to address the problem addressed by applicant and therefore the combination of Young and Altwater cannot teach applicant's claim limitations is not persuasive.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 9-11 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,208,635 to Altvater et al. in view of U.S. Patent No. 6,643,522 to Young.

Regarding claims 1, 9 and 17, Altvater teaches a collection of networked apparatuses comprising: a first plurality of apparatuses (e.g., see FIG. 5) including first (e.g., 32) and second (e.g., 33) subsets wirelessly networked together, with each apparatus being equipped to communicate wirelessly in accordance with a first frequency hopping protocol (e.g., see col. 6, line 61 – col. 7, line 16 and FIG. 2), with the first and second subsets operating in accordance with a first and a second frequency hopping pattern (e.g., see col. 9, lines 25-35) based on a first and a second pseudo random pattern (e.g., see FIG. 2 where $k = 7, 50, 10, \dots, 63$), wherein the first and second subsets of the first plurality of apparatuses are operationally synchronized (e.g., offset by a time slot, see col. 9, lines 29-35) and in wireless communication with a common wireless device (e.g., central station 11, see FIGS. 1 and 5 and col. 6, line 29 – col. 9, line 60) to proactively reduce interference between the first apparatuses (e.g., see col. 9, lines 36-55).

However, Altvater may not specifically disclose a second plurality of apparatuses operating with a second protocol are synchronized with respect to the first plurality of apparatuses.

Young also teaches a collection of wirelessly networked apparatuses (e.g., see FIG. 2) and further teaches the apparatuses have the capability to communicate in accordance with a second protocol (or alternately, the first protocol), whereby a second plurality of apparatuses (e.g., Radio C and Radio D in a second system, wherein Radio A and Radio B comprise a first system, e.g., see col. 4, lines 51-55) wirelessly networked together are each equipped to communicate wirelessly in accordance with a second protocol (e.g., see col. 2, lines 36-53).

Art Unit: 2665

Furthermore, the second plurality of apparatuses operate in a manner complementary to the synchronized operation of the first plurality of apparatuses to proactively reduce interference between the first and second plurality of apparatuses (e.g., see col. 7, line 37 – col. 10, line 41). The teachings of Young provide simultaneous dual mode operation and multiple services for users of different systems (e.g., see col. 2, line 65 – col. 3, line 12). Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the teachings of Young to the system of Altvater in order to provide simultaneous dual mode operation and multiple services for users of different systems.

Regarding claim 2, Altvater teaches apparatuses are operationally synchronized to a reference signal (e.g., synchronization signal, see col. 8, line 21 – col. 9, line 60) to effectuate the proactive reduction of interference between the apparatuses.

Regarding claim 3, as discussed above regarding claims 1, 9 and 17, Young teaches a multi-protocol apparatus (e.g., FIG. 5) which proactively reduces interference with first and second apparatuses. As discussed above, the teachings of Young provide simultaneous dual mode operation and multiple services for users of different systems (e.g., see col. 2, line 65 – col. 3, line 12). Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the teachings of Young to the system of Altvater in order to provide simultaneous dual mode operation and multiple services for users of different systems.

Regarding claims 4, 5, 10, 11, 18 and 19, Altvater teaches synchronization as discussed above regarding claim 2, and Altvater in view of Young teach a multi-protocol apparatus as discussed above regarding claim 3. Further, the stations of Altvater implicitly comprise control

Art Unit: 2665

logic to operate complementary to the synchronization and alignment (e.g., see FIG. 2; col. 6, line 61 – col. 7, line 24; and col. 9, lines 21-55).

Regarding claim 15, Young teaches a first protocol is Bluetooth, and a second protocol is selected from a group consisting of 802.11 frequency hopping, 802.11 direct sequence, and Home RF (e.g., see col. 10, lines 15-36). While Young may not specifically disclose 802.11a and 802.11b are also considered within the group, Young teaches the group consists of 802.11 WLAN which implicitly comprises 802.11a and 802.11b (e.g., see col. 10, line 32).

Regarding claim 16, Young teaches the invention applies to a personal digital assistant (e.g., see col. 3, lines 47-61) and 802.11 WLAN products used in an office infrastructure (e.g., see col. 1, lines 28-42) which implies desktop and/or laptop devices are utilized. As discussed above, the teachings of Young provide simultaneous dual mode operation and multiple services for users of different systems (e.g., see col. 2, line 65 – col. 3, line 12). Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the teachings of Young to the system of Altvater in order to provide simultaneous dual mode operation and multiple services for users of different systems. Thus, Altvater in view of Young teaches the apparatus is selected from a group consisting of a desktop type, notebook type and a palm size type.

Allowable Subject Matter

4. Claims 23-39 are allowed.

Claims 6-8, 12-14 and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

claims 6, 12 and 20 recite control logic includes logic to effectuate the alignment to the reference signal incrementally and in a selected one of at least a first and second manner depending on an amount of misalignment with a transmission time slot;

claims 7, 8, 13, 14, 21 and 22 include further limitations and depend upon claims 6, 12 and 20, respectively, and are therefore also allowable;

claims 23, 28 and 35 recite an apparatus/manager which facilitates reduction of interference among the other apparatuses including at least facilitating prospective anticipation of whether interference will occur during transmission of a long packet by one of the apparatuses wherein the transmission of a long packet spans multiple ones of the successive frequencies; and

claims 24-27, 29-34 and 36-39 include further limitations and depend upon claims 23, 28 and 35, respectively, and are therefore also allowable.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2665

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

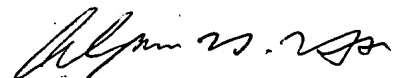
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M Philpott whose telephone number is 703.305.7357. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on 703.308.6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Justin M Philpott



ALPUS H. HSU
PRIMARY EXAMINER